

DECLARATORY RESOLUTION NUMBER 476 - 1923

"As modified, January 31st, 1924"

For the establishment of a building line on both sides of Main Street from the West line of Calhoun Street to the East property line of the Grand Rapids and Indiana Railroad.

RESOLVED by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to establish a five (5) foot building line on both sides of Main Street from the West line of Calhoun Street to the East property line of the right of way of the Grand Rapids and Indiana Railroad, pursuant to the provisions of an Act of the General Assembly of the State of Indiana, approved March 8th, 1923, providing for the establishment of building or set-back lines in cities having a population of not less than 86,000 or more than 100,000, according to the last preceding United States Census and being Chapter 155 of the Session Laws of 1923 of the General Assembly of said State.

The establishment of said building line is to be made by condemning and appropriating for building line purposes, and the same is hereby condemned and appropriated for said purposes, the North five (5) feet of each lot, or part of lot, abutting upon the South line of Main Street, and the South five (5) feet of each lot, or part of lot, abutting upon the North line of Main Street from the West line of Calhoun Street to the East property line of the right of way of the Grand Rapids and Indiana Railroad, all as shown by a plan of said proposed condemnation and the establishment of said building line of and over said portions of said lots and parts of lots now on file in the office of the Department of Public Works of said City.

The property that will be injuriously or beneficially affected by the establishment of said building line and the condemnation and appropriation of said real estate, as above described, is described as

ALL ACTION RECORDED
MAY 1 1924

Calhoun
ALL ACTION RECORDED
MAY 1 1924

all lots and parcels of land, not occupied by streets or alleys located within one hundred and fifty (150) feet, on both sides of said Main Street from the West line of Calhoun Street to the East property line of the right of way of the Grand Rapids and Indiana Railroad, in said city, and all of said above described lots and land affected by the establishment of said building line and said condemnation and appropriation are located within the corporate limits of the City of Fort Wayne, in the County of Allen, in the State of Indiana.

John B. Keck
Otto Benz
June Prosser

BOARD OF PUBLIC WORKS
OF THE CITY OF FORT WAYNE.

ATTEST:

Andrew J. App
SECRETARY BOARD OF PUBLIC WORKS

SECRETARY

ALL ACTION RESOINDED

MAY 1 1924

DECLARATORY RESOLUTION 476. 1923

For the establishment of a building line on both sides of Main Street from the west line of Calhoun Street to the east line of Broadway.

RESOLVED by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to establish a five (5) foot building line on both sides of Main Street from the west line of Calhoun Street to the east line of Broadway pursuant to the provisions of an Act of the General Assembly of the State of Indiana, approved March 8th 1923 providing for the establishment of building or set-back lines in cities having a population of not less than 86,000 nor more than 100,000 according to the last preceding United States Census and being Chapter 155 of the Session Laws of 1923 of the General Assembly of said State.

The establishment of said building line is to be made by condemning and appropriating for building line purposes, and the same is hereby condemned and appropriated for said purposes, the north five (5) feet of each lot, or part of lot, abutting upon the south line of Main Street and the south five (5) feet of each lot, or part of lot, abutting upon the north line of Main Street from the west line of Calhoun Street to the east line of Broadway, all as shown by a plan of said proposed condemnation and the establishment of said building line of and over said portions of said lots and parts of lots now on file in the office of the Department of Public Parks in said city.

The property that will be injuriously or beneficially affected by the establishment of said building line and the condemnation and appropriation of said real estate, as above

described, is described as all lots and parcels of land, not occupied by streets or alleys located within one hundred fifty (150) feet on both sides of said Main Street from the west line of Calhoun Street to the east line of Broadway in said city and all of said above described lots and land affected by the establishment of said building line and said condemnation and appropriation are located within the corporate limits of the City of Fort Wayne, in the County of Allen, in the State of Indiana.

Adopted this 13th day of December 1923.

John B. Kicks

Wm. Beugs

John Brosius

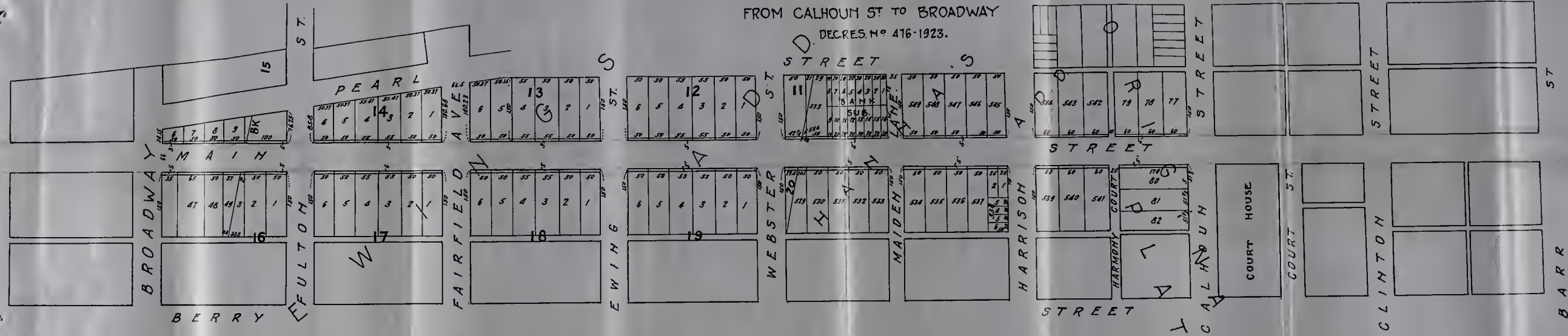
Board of Public Works
of the City of Fort Wayne

ATTEST:
Andrew J. App
SECRETARY BOARD OF PUBLIC WORKS

CLERK

PLAT SHOWING
ESTABLISHING OF BUILDING LINE
ON BOTH SIDES OF MAIN STREET
FROM CALHOUN ST TO BROADWAY

DECRES. NO 476-1923.



CITY OF FORT WAYNE. INDIANA

LEGAL DEPARTMENT

**GUY COLERICK
CITY ATTORNEY**

Dec. 13th 1923.

Dear Andrew:

I am handing you the resolution for building line on Main Street which should be adopted at Thursday meeting. You should take all steps usually taken by the Board in a street opening proceeding which you will see are referred to by Section 3 of the Act under which this proceeding is initiated being page 441 of the Acts of 1923.

I believe and assume that the act in question contemplates a plan of this improvement from the Engineer's Office the same as in a street opening proceeding and contemplates the same kind and character of notice to be gotten out. In other words, it is identical with the street opening proceedings excepting as to the form of the resolution. The notice referred to in Section 97 should be given and I believe the plan should be attached to the resolution or at least on file when the resolution is adopted.

Yours truly

Guy Colerick

IN RE DECLARATORY RESOLUTION
NO. 476, 1923, AS MODIFIED
JANUARY 31st, 1924, OF THE
BOARD OF PUBLIC WORKS OF THE
CITY OF FORT WAYNE, INDIANA.

R E M O N S T R A N C E .

Comes now the undersigned, owners of the following described property situated in the County of Allen and State of Indiana, to-wit:

The North Twenty (20) feet of the East One Hundred (100) feet of Lot Eighty (80) Original Plat of the Town, now city, of Fort Wayne, and remonstrate against the above Declaratory Resolution 476, 1923, as modified January 31st, 1924, heretofore adopted by the Board of Public Works of the City of Fort Wayne, for the following reasons:-

1. The remonstrators respectfully show to the Board that they are the owners of the above described real estate situated in the City of Fort Wayne at the southwest corner of Calhoun and Main Streets, and is property which will be affected by the provisions of the foregoing resolution; that said real estate has a frontage on Calhoun Street of twenty (20) feet and abuts on Main Street one hundred (100) feet, and is the only property on Main Street which has the long dimension of the property abutting on Main Street and its short dimension at right angles to Main Street

2. That said real estate is located in the business center of the City of Fort Wayne and is now used and can only be used in the future for store, offices or other strictly business purposes; that if the proposed building line, as set forth in said resolution is put into effect and the provisions of said resolution carried out, the value of said property for any business or other purpose whatsoever would be practically destroyed and said property be thereby rendered practically useless.

3. That it is the intention and the purpose of said owners at an early date to erect a new store and office building on said premises several stories higher than the present building thereon, which will greatly increase the rents and revenues from said premises, but if five (5) feet is taken from the north side of said premises abutting on Main Street it will diminish the width of said tract of land so that after making allowance for the necessary walls for a new building it will leave not to exceed ten (10) feet in width for the interior of such building thereon, which would render said building wholly impracticable and practically worthless for such purposes, and prevent the use of said premises for the only purposes for which they are adapted, to the great damage of said owners.

William Watterley
Byron & Watterley

ON SOLE DISCRETION
OF THE BOARD OF PUBLIC WORKS TO ELECT
3. That it is the intention and the duty

CITY OF FORT WAYNE. INDIANA

LEGAL DEPARTMENT

**GUY COLERICK
CITY ATTORNEY**

Rescinded

April 30th, 1924

Board of Public Works,
City

Gentlemen:-

As suggested and requested by you,
I had a disinterested investigation made as to
the sentiment of the property owners on West
Main Street concerning the West Main Street
building line resolution now pending before your
Board.

The report I receive is that a large
majority of the people owning property on West
Main Street are against the establishment of a
building line at this time.

In regard to the question submitted
to me by you as to your power to rescind all
action at this time, I am of the opinion that
you have the power to rescind, if you so desire.

Respectfully submitted

Guy Colerick
City Attorney.

1-0

X

REMONSTRANCE

TO

DECLARATORY RESOLUTION

#476,1923, OF THE BOARD OF
PUBLIC WORKS OF THE CITY OF
FORT WAYNE, INDIANA.

Refused City

Fort Wayne, Indiana

TO THE HONORABLE BOARD OF PUBLIC WORKS OF THE CITY OF
FORT WAYNE, INDIANA

Gentlemen:

The undersigned owners of real estate to and upon
Main Street from the west property line of Calhoun Street
to the east property line of Broadway Street respectfully pe-
tition your honorable board for the adoption of a declaratory
resolution providing for the establishment and fixing of a
five foot building or set back line on and over the lots and
parcels of land adjoining and abutting upon both sides of
Main Street between the west line of Calhoun Street and the
east line of Broadway Street.

no fee

The Fort Wayne Realty Investment Co
By H C Rockhill Pres

210

H C Rockhill

70

The PEOPLES REALTY & INVESTMENT CO.

By *W O McDonald*
Secretary

100

Charles Stanley
John E Connor
T. S. Bond
Arthur F. Hall
H. T. Morgan

4/5 of

105

1/5

Can not

100
50

Anna B Morris
By Stephen Morris

50

Indiana Service Corp.
O. W. Jensen

260

Mary L. Cuning

~~330~~
265

L. S. & H. W. McKinley

1280

50
1260

R M Kaough
Chas H. Meyer

No. feet
1280
25
25

CITIZENS TRUST COMPANY

Wes B. Gutkin Secy

80

Fort Wayne aries No 248 F.O.C. } Glen Fox Trustee
Otho Stödel. "

55

A. L. Kane.

20

William P. Breen

Adelia P. Breen.

Frank A. Phillips

100 ft

Korte Bros. Inc
Wm Korte (Pres)

60 ft

Neil A. Wm J. & J. Mc Casey
Neil Ames Cay

50

Charles S. Freistroffer

56 2/3 ft.

Jesse E. Haupt

1860 3/3 109 ft.

H Goldstine

170

2030 7/3

50 feet

P J Archer

20 ft

John Volland.

100 ft

Walter D. Miller

40 ft

Refer to City
Attorney for
Opinion

"Building Line"

May 24th 1923

"476"

REMONSTRANCE

Fort Wayne, Ind. Jan. 24th 1914.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate fronting on Main Street and within 150 feet there of , fromCalhoun Stto Broadway

respectfully remonstrate against the passage of a resolution providing for

and confirmation

the establishment of a building line on both sides of Main St from Calhoun St to Broadway as set forth in declaratory Resolution #476-1923.

✓ Christ Hahnke Estate	36 1/2 x 532 ft Main
✓ Mary and M. E. Freustroffer	19 1/2 Feet - 207 W. Main
✓ Charles S. Freustroffer	56 3/4 Feet - 244 & 416 W. Main
✓ Coary Beyer	65 - "
✓ Herman Helmke Trustee	40 Feet 210 & 215 W. Main
✓ C. E. Woloch.	60 Feet 112, 116 x 118 W. Main
✓ T. Chortz	25 Feet 220 W. Main St
✓ Prof. H. Meyer	25 " 220 W. Main St
✓ J. L. Snyders	50 " 313-17 W. " "
✓ Willis H. Atterbury	20 ft balcony 100 " Main
✓ Byron E. Atterbury	25 feet on Main St
✓ W. A. Leonard	50 feet 226 ft Main St
✓ Louisa Bostick.	31 feet 309 & 311 W. Main
✓ Lena Weber	126' W. Main St. 40 feet.
✓ H. V. Blosser	20 feet 114 ft Main St.
✓ A. M. T. Bonaglion	20 feet 135 W. Main
✓ Lucy Eckart	50 ft 336 & 332 W. Main
✓ Carolina C. Schmidt. Collector for Eckart Estate	15 ft 211 West Main St
✓ H. Scheffler. Agent	25 ft 331 West Main St.
✓ J. Beatrice Mills	25 ft 331 W. Main St.
✓ Grace Lee Geddesford	47 1/2 ft 611 W. Main St
✓ M. J. Halper	23 ft 335 W. Main St.
✓ Laron Chapman	50 ft 225 W. Main St.
✓ Wm M Pollak	40 ft 330-232 W. Main St.
✓ George Dondur	" " " "
✓ Jennie Dondur	20 ft 122 W. Main St
✓ Grace Mariotte	36' 8" 418 Main St.
✓ Geo. C. Wald	53 ft 210-214 Main St.
✓ Reeseller	

REMONSTRANCE

Against the Passage of a Resolution for
Improving

from

street

to

street

FILED WITH THE

REMONSTRANCE

Fort Wayne,

191.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate fronting on

, from

to.

respectfully remonstrate against the passage of a resolution providing for

✓ Alice E. Spice
 ✓ Alice E. Spice
 ✓ Paul W. Kinder
 ✓ M. Meyer Sons
 ✓ Mary Broszard
 ✓ Wm. F. Schuch - et al
 ✓ G. W. McCarty
 ✓ Michael F. McCarty
 ✓ John Volland

24 1/2 ft. 218 W. Main St

50 ft 325 W. Main St.

50 ft x 50 ft Tr.

130 - 132 43 F.

19 1/2 ft 630 Main St

15 feet 209 W. Main

50 feet 409 W. Main St

30 feet 319 Main St

100 ft 505 W. Main St.

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

from

street

to

street

FILED WITH THE

REMONSTRANCE

Fort Wayne,

191.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate fronting on

, from

to

respectfully remonstrate against the passage of a resolution providing for

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

from

street

to

street

FILED WITH THE

REMONSTRANCE

Fort Wayne,

191

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

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estate fronting on

, from

to

respectfully remonstrate against the passage of a resolution providing for

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

from

street

to

street

FILED WITH THE

REMONSTRANCE

Fort Wayne,

191.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate fronting on

, from

to

respectfully remonstrate against the passage of a resolution providing for

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

from

street

to

street

FILED WITH THE

REMONSTRANCE

Fort Wayne,

191. _____

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate fronting on

_____, from

to

respectfully remonstrate against the passage of a resolution providing for

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

from

street

to

street

FILED WITH THE

REMONSTRANCE

Fort Wayne,

191

To the Board of Public Works of the City of Fort Wayne:

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, from

to

respectfully remonstrate against the passage of a resolution providing for

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

from

street

to

street

FILED WITH THE



CLARY & BULLY, PRINTERS

REMONSTRANCE

Fort Wayne,

191.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real
estate fronting on _____ *, from*
to _____
respectfully remonstrate against the passage of a resolution providing for

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

from

street

to

street

FILED WITH THE

REMONSTRANCE

Fort Wayne,

191.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

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, from

to

respectfully remonstrate against the passage of a resolution providing for

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

from

street

to

street

FILED WITH THE

REMONSTRANCE

Fort Wayne,

191.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate fronting on

, from

to

respectfully remonstrate against the passage of a resolution providing for

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

from _____ *street*

to _____ *street*

FILED WITH THE

REMONSTRANCE

Fort Wayne,

191.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate fronting on

, from

to

respectfully remonstrate against the passage of a resolution providing for

REMONSTRANCE

*Against the Passage of a Resolution for
Improving*

<i>from</i>	<i>street</i>
<i>to</i>	<i>street</i>

FILED WITH THE

94A
W. H. H. H. H.
IN RE DECLARATORY RESOLUTION
NO. 476, 1923, of THE BOARD OF
PUBLIC WORKS OF THE CITY OF
FORT WAYNE, INDIANA

Filed Thursday Jan 31st 1924
R E M O N S T R A N C E.

Come now the undersigned, owners of the following described property situated in the County of Allen and State of Indiana, to-wit:

The North Twenty (20) feet of the East One Hundred (100) feet of Lot Eighty (80) Original Plat of the town, now city, of Fort Wayne, and remonstrate against the above Declaratory Resolution 476, 1923, heretofore adopted by the Board of Public Works of the City of Fort Wayne, for the following reasons:

1. The remonstrators respectfully show to the Board that they are the owners of the above described real estate situated in the City of Fort Wayne at the southwest corner of Calhoun and Main Streets, and is property which will be affected by the provisions of the foregoing resolution; that said real estate has a frontage on Calhoun Street of twenty (20) feet and abuts on Main Street one hundred (100) feet, and is the only property on Main Street which has the long dimension of the property ^{abutting on} ~~XXXXX~~ Main Street and its short dimension at right angles to Main Street.

2. That said real estate is located in the heart of the City of Fort Wayne and is now used and can only be used in the future for store, offices or other strictly business purposes; that if the proposed building line, as set forth in said resolution is put into effect and the provisions of said resolution carried out, the value of said property for any business or other purpose whatsoever would be practically destroyed and said property be thereby rendered practically ~~useless~~ worthless.

3. That said property is very valuable and has a high rental value, all of which value would be practically destroyed if the provisions of said resolution are carried out.

Dated this 3rd day of January, 1924.

Willis Watterley
Byron E. Watterley

IN RE DECLARATORY RESOLUTION
NO. 476, 1923, OF THE BOARD OF
PUBLIC WORKS OF THE CITY OF
FORT WAYNE, INDIANA,

RESMONTRANCE.

